

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

**MISCELLANEOUS NO. 3:07-MC-47
(Doc. No. 2)**

IN RE:)
)
STANDING ORDER GOVERNING)
CIVIL CASE MANAGEMENT)
BEFORE THE HONORABLE)
FRANK D. WHITNEY)
)

This Order shall apply to all civil actions, excluding those exempted by Paragraph 1(b) of the Court's Initial Scheduling Order (appended hereto as Exhibit A), which are filed on or after 15 May 2007 and assigned to the docket of the Honorable Frank D. Whitney.

Upon the opening of a civil case falling within the parameters described above, the Clerk of Court shall immediately cause to be entered upon the docket and served upon the party initiating the suit an official copy of the Initial Scheduling Order, appended hereto as Exhibit A. This Initial Scheduling Order prescribes the duties and responsibilities of the parties and counsel from the filing of the complaint until the Rule 26(f) Initial Attorney's Conference and the submission of a proposed discovery plan.

Upon receipt of the parties' Certification of Initial Attorneys' Conference and proposed discovery plan, the judicial officer presiding over scheduling matters shall, if necessary, hold an initial pretrial conference pursuant to Fed. R. Civ. P. 16(a) and Local Civil Rule 16.1(B) [Proposed Local Civil Rule 16.1(C)], and thereafter enter a comprehensive Case Management Order substantially conforming to the model appended hereto as Exhibit B (where a jury trial has been demanded) or Exhibit C (where no jury trial has been demanded). This Case Management Order

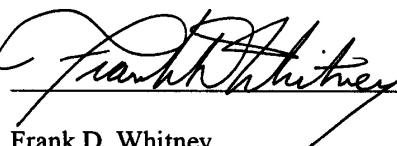
prescribes the duties and responsibilities of the parties and counsel from the beginning of discovery through trial.

When ruling upon any motion or request which may be made or any dispute which may arise under this Initial Scheduling Order or Case Management Order, a magistrate judge to whom authority has been delegated shall:

1. Construe the Court's directives consistently by reading these provisions in harmony with each other and other applicable law, and by treating similarly situated litigants alike;
2. Apply the rules of decision established by this Order or other applicable law so as to effectuate the broader purposes of this Order, primary among which is to provide litigants with a high degree of certainty and predictability with respect to scheduling and other procedural matters arising in the course of civil litigation; and
3. Make a prompt disposition that promotes the most expedient resolution of the lawsuit consistent with the ends of justice.

IT IS SO ORDERED.

Signed: May 14, 2007



Frank D. Whitney
United States District Judge

